

COLETTE VOGELE (SBN No. 192865)
 Email: colette@vogelelaw.com
 BENJAMIN COSTA (SBN No. 245953)
 Email: ben@vogelelaw.com
VOGELE & ASSOCIATES
 12 Geary Street, Suite 701
 San Francisco, CA 94108
 Tel: (415) 391-3311
 Fax: (415) 358-4975

Attorneys for Plaintiff and Counter-defendant
 VIOLET BLUE

UNITED STATES DISTRICT COURT FOR THE
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

VIOLET BLUE, an Individual,

 Plaintiff and Counter-defendant,

 v.

ADA MAE JOHNSON a/k/a ADA
 WOFFINDEN, an individual d/b/a
 VIOLET BLUE a/k/a VIOLET a/k/a
 VIOLET LUST; ASSASSIN PICTURES
 INC., a California Corporation;
 ASSASSINCASH.COM; BILL T. FOX,
 an individual, a/k/a BILL FOX; FIVE
 STAR VIDEO L.C., an Arizona Limited
 Liability Company a/k/a Five Star Video
 Distributors LLC d/b/a Five Star
 Fulfillment; and DOES 1-10

Defendants and Counter-claimants.

Case No. C 07-5370 SI

**DECLARATION OF COLETTE
 VOGELE IN SUPPORT OF
 PLAINTIFF VIOLET BLUE'S
 NOTICE OF MOTION AND (1)
 SPECIAL MOTION TO STRIKE
 FIFTH COUNTERCLAIM AS A
 MERITLESS S.L.A.P.P. PURSUANT
 TO CODE OF CIV. PROC. § 425.16;
 AND (2) MOTION TO DISMISS
 THIRD AND FOURTH
 COUNTERCLAIMS**

The Honorable Susan Illston
 Courtroom 10, 19th Floor
 450 Golden Gate Avenue
 San Francisco, CA 94102

Hearing Date: April 4, 2008
 Hearing Time: 9:00 a.m.

I, Colette Vogele, declare as follows:

1. I am a member of the State Bar of California, admitted to practice before this
 Court, founding attorney of Vogele & Associates, and attorney of record for Plaintiff and movant
 Violet Blue ("Blue") herein. The facts contained in this declaration are known personally to me
 and, if called as a witness, I could and would testify competently thereto under oath.

1 2. Attached hereto as Exhibit A is a true and correct copy of a printout dated
2 February 25, 2008, of an article entitled “Now Playing on Apple’s iTunes: Adult-Oriented
3 Podcasts”, from the website of The Wall Street Journal
4 ([http://online.wsj.com/public/article/SB112199964473193071-](http://online.wsj.com/public/article/SB112199964473193071-wHD0jEWmn1XrxuhE5HgGCs4siD0_20060721.html?mod=tff_main_tff_top)
5 [wHD0jEWmn1XrxuhE5HgGCs4siD0_20060721.html?mod=tff_main_tff_top](http://online.wsj.com/public/article/SB112199964473193071-wHD0jEWmn1XrxuhE5HgGCs4siD0_20060721.html?mod=tff_main_tff_top)).

6 3. Attached hereto as Exhibit B is a true and correct copy of a printout of a webpage
7 titled “In Pictures: The Web Celeb 25 – Forbes.com” dated February 25, 2008, from Forbes.com
8 ([http://www.forbes.com/2007/01/23/web-celeb-25-tech-](http://www.forbes.com/2007/01/23/web-celeb-25-tech-media_cx_de_06webceleb_0123top_slides_26.html?thisSpeed=30000)
9 [media_cx_de_06webceleb_0123top_slides_26.html?thisSpeed=30000](http://www.forbes.com/2007/01/23/web-celeb-25-tech-media_cx_de_06webceleb_0123top_slides_26.html?thisSpeed=30000)).

10 4. Attached hereto as Exhibit C is a true and correct copy pages 18, 186 and 187 of
11 *O: the Oprah Magazine* for July 2007.

12 5. Attached hereto as Exhibit D is a true and correct copy of a printout dated
13 February 25, 2008, from the International Movie Database website entry for “Violet Blue”
14 (<http://www.imdb.com/name/nm1013326/>).

15 6. Attached hereto as Exhibit E is a true and correct copy of a printout dated
16 February 25, 2008, from the website of the Exotic Erotic Ball
17 (<http://exoeroball.com/em/062306/>) referencing the appearance of “Violet Blue” for the 2006
18 Exotic Erotic Ball.

19 7. Attached hereto as Exhibit F is a true and correct copy of a partial printout dated
20 January 28, 2008, of an entry from Plaintiff Blue’s website dated October 27, 2006
21 ([http://www.tinynibbles.com/blogarchives/2006/10/i-am-teh-real-vb-i-am-all-the-violet-blue-](http://www.tinynibbles.com/blogarchives/2006/10/i-am-teh-real-vb-i-am-all-the-violet-blue-youll-ever-need.html)
22 [youll-ever-need.html](http://www.tinynibbles.com/blogarchives/2006/10/i-am-teh-real-vb-i-am-all-the-violet-blue-youll-ever-need.html)). When printed, the webpage results in several leading pages of unformatted
23 advertising. For ease of reference, I have omitted from the exhibit these leading pages (pages 1-
24 6), and have included only the portion of this webpage that is relevant to Plaintiff’s Motion
25 (pages 7-10).

1 8. Attached hereto as Exhibit G is a true and correct copy of a printout dated
2 February 25, 2008, from the website titled "The TWiT Netcast Network with Leo Laporte" and
3 reflecting Episode 86 of the program "this WEEK in TECH" and the on-line notes relating to
4 that program (<http://twit.tv/86/>).

5 9. Attached hereto as Exhibit H is a true and correct copy of a printout of a blog
6 entry entitled "Violet Blue and the 'Moose Lodge'" dated February 25, 2008, from the website
7 of the San Francisco Chronicle entitled "SFGate: Culture Blog! : Violet Blue and the 'Moose
8 Lodge'" (http://www.sfgate.com/cgi-bin/blogs/sfgate/detail?blogid=3&entry_id=13187/).

9 10. Attached hereto as Exhibit I is a true and correct copy of a document bearing
10 production number VB00096 which was produced to Defendant Johnson on January 17, 2008,
11 with Plaintiff Blue's Rule 26(a)(1) initial disclosures.

12 11. Attached hereto as Exhibit J is a true and correct copy of a document bearing
13 production numbers VB00213 through VB00220 which were produced to Defendant Johnson on
14 January 17, 2008, with Plaintiff Blue's Rule 26(a)(1) initial disclosures.

15 12. Attached hereto as Exhibit K is a true and correct copy of a printout dated
16 February 25, 2008, from another website of the Exotic Erotic Ball
17 (<http://www.exoticeroticball.com/>) referencing the appearance of "Violet Blue" for the 2008
18 Exotic Erotic Ball

19 13. Attached hereto as Exhibit L is a true and correct copy of a printout dated
20 February 25, 2008, of an article entitled "Violet Blue Gets Wild with Dave Pounder on
21 KSEXradio.com", from the Adult Industry News website
22 (<http://ainews.com/Archives/Story3350.phtml>).

23 14. Attached hereto as Exhibit M is a true and correct copy of a printout dated
24 February 25, 2008, of an article entitled "Violet Blue Memorabilia Sale," from the Adult
25 Industry News website (<http://www.ainews.com/story/12193/>).

1 15. Attached hereto as Exhibit N is a true and correct copy of a printout dated
2 February 25, 2008, of an article entitled "Legal Battle Ensues Between the Two Violet Blues",
3 from the Adult Video News website ([http://www.avn.com/index.cfm?objectID=d3d256ea-0408-
4 6044-8a0880b3a36be003&slid=268442](http://www.avn.com/index.cfm?objectID=d3d256ea-0408-6044-8a0880b3a36be003&slid=268442)).

5 16. Attached hereto as Exhibit O is a true and correct copy of a printout dated
6 February 25, 2008, of an article entitled "Analysis: Violet Blue v. Violet Blue," from the Adult
7 Video News website ([http://www.avn.com/printFriendly.cfm?objectID=168F719A-9191-D4B0-
8 87295A93B3801995&sitesection=law](http://www.avn.com/printFriendly.cfm?objectID=168F719A-9191-D4B0-87295A93B3801995&sitesection=law)).

9 17. Attached hereto as Exhibit P is a true and correct copy of a printout dated
10 February 25, 2008, from the Eros Zine website ([http://www.eros-london.com/articles/2007-10-
11 30/newsbriefs103007/](http://www.eros-london.com/articles/2007-10-30/newsbriefs103007/)).

12 18. Attached hereto as Exhibit Q is a true and correct copy of a printout dated
13 February 25, 2008, of an article entitled "Sex Writer Violet Blue Sues Porn Star Violet Blue
14 Over Name – Updated" posted at the Wired Blog Network website
15 (<http://blog.wired.com/27bstroke6/2007/10/sex-journo-viol.html/>).

16 19. Attached hereto as Exhibit R is a true and correct copy of a printout dated
17 February 25, 2008, from an article entitled "Press: Sex Ed Blogger Violet Blue to Start TWaT,
18 the All-Girl Tech Podcast?" from Gizmodo.com ([http://gizmodo.com/gadgets/press/sex-ed-
19 blogger-violet-blue-to-start-twat-the-all+girl-tech-podcast-233732.php?mail2=true /](http://gizmodo.com/gadgets/press/sex-ed-blogger-violet-blue-to-start-twat-the-all+girl-tech-podcast-233732.php?mail2=true/)).

20 20. Attached hereto as Exhibit S is a true and correct copy of a printout dated
21 February 25, 2008, from the South By Southwest Interactive website
22 (<http://2008.sxsw.cohttp://2008.sxsw.com/blogs/ia.php/2007/10/>).

23 21. Attached hereto as Exhibit T is a true and correct copy of a printout dated
24 February 25, 2008, of a blog entry entitled "Blue Monday: If Sex Educators Could Make A
25 Living Wage, Would We Sue To Protect Our Brand?" from the website Sexerati.com
26 ([http://www.sexerati.com/2007/10/25/blue-monday-if-sex-educators-could-make-a-living-wage-
27 would-we-sue-to-protect-our-brand/](http://www.sexerati.com/2007/10/25/blue-monday-if-sex-educators-could-make-a-living-wage-would-we-sue-to-protect-our-brand/)).

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